

EXHIBIT 6

RE: Hopkins

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Haviland, Donald E.

From: Haviland, Donald E.
Sent: Tuesday, July 15, 2003 5:33
To: 'Fernandez, Jack'
Subject: RE: Subpoena for testimony

Jack,
 saw the subpoena. You, Mike, and Terry Sherman were all subpoenaed. (Incidentally, I too was offended. Just goes to show the lengths that these drug companies will go in civil litigation.)

It's interesting Cooner called yours off. To my knowledge, he has not done the same for the others.

We are preparing draft Motions to Quash for each of you. I should have a draft to you tomorrow. We intend to be "shadow writers" on these for all three docs.

Also, we have filed a response to the stay Motion and will be doing a reply in Support of the Remand. I will send to you, Mike and Terry tomorrow draft Affidavits re service of the Complaint and denial of consent to removal.

I don't think Mike wants to come to the hearing because of client cost issues. You are welcome of course. We can handle your pro hac which should be granted liberally by Judge Chesler as is the standard practice in such large cases.

Lets try to speak tomorrow afternoon.

Thx
 Don

-----Original Message-----

From: Fernandez, Jack [mailto:jfernandez@zuckerman.com]
Sent: Tuesday, July 15, 2003 2:51 PM
To: 'Haviland, Donald E.'
Subject: RE: Subpoena for testimony

Hello Don:

I was served today with a subpoena for testimony regarding conversations you and I had. I spoke to Cooner, who called my deposition off until further notice.

I intend to take the position that our conversations are privileged, at least undertaken in the course of good faith settlement negotiations. My utmost interest is in resolving this cheaply and justly for Dr. Hopkins and I am, frankly, offended by Cooner's tactics. I do not believe I would ever subpoena counsel in a case unless I had spoken to him first, but that's just me and this is, after all, the genteel South. Are you preparing any sort of motion to quash in respect of these depositions?

Finally, with regard to the hearing next week, have you prepared a response? I might make a limited appearance and join your motion to the extent it is appropriate. What are the local rules regarding a pro-hac appearance under the circumstances?

Best regards,

Jack Fernandez

K&S00365

7/15/2003